

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ROBERT A. COTTON,

Plaintiff,

v.

COUNTY OF SAN BERNARDINO,  
et al.,

Defendants.

NO. EDCV 18-2343-VAP (AGR)

ORDER ACCEPTING FINDINGS AND  
RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the complaint, records on file, and the Report and Recommendation of the United States Magistrate Judge ("Report"). No objections to the Report have been filed. The Court accepts the findings and recommendation of the Report.

IT IS ORDERED as follows:

(1) The County Defendants' motion to dismiss (Dkt. No. 38) is GRANTED as follows: (a) Claims One through Five, Seven, Thirteen and Fifteen are dismissed with leave to amend; and (b) Claims Twelve and Fourteen are dismissed without leave to amend;

(2) The City Defendants' motion to dismiss (Dkt. No. 41) is GRANTED IN PART AND DENIED IN PART as follows: (a) all federal and state claims against Defendants Woolbright and Gomez are dismissed without leave to amend; (b) the

1 motion to dismiss Claim One is denied to the extent it asserts a Fourth Amendment  
2 claim against Defendants Arnola, Echevarra, Guzman and Thomas based on  
3 Plaintiff's arrest; (c) the remainder of Claim One is dismissed with leave to amend; (d)  
4 Claims Two through Five, Seven and Fifteen are dismissed with leave to amend; and  
5 (e) Claims Eight through Fourteen are dismissed without leave to amend;

6 (3) Defendant Shiimoto's motion to dismiss (Dkt. No. 43) is GRANTED and all  
7 federal and state claims against her are dismissed without leave to amend;

8 (4) Defendants Barba and Pellis are dismissed with prejudice from this action  
9 (Order dated April 9, 2019, Dkt. No. 8); and

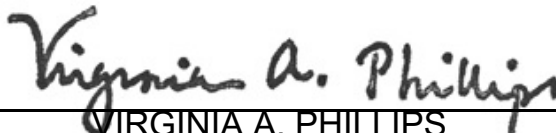
10 (5) Plaintiff is granted leave to file a Third Amended Complaint consistent with  
11 the Report within 30 days after entry of this Order.

12 If Plaintiff chooses to file a Third Amended Complaint, it must be filed within 30  
13 days after entry of this Order, it must bear the docket number assigned to this case,  
14 be labeled "Third Amended Complaint," and be complete in and of itself without  
15 reference to the original complaint, attachment, pleading or other documents.

16 The Clerk is DIRECTED to provide Plaintiff with a blank pro se civil rights  
17 complaint form.

18 **Plaintiff is advised that if he fails to file a timely and corrected Third**  
19 **Amended Complaint within 30 days after the entry of this order, this action may**  
20 **be dismissed as set forth above.**

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22  
23 DATED: October 2, 2020

24   
25 VIRGINIA A. PHILLIPS  
26 United States District Judge  
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